

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-1-

THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 16, 2008, AT 6:35 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Richard Catten, City Attorney
Kevin Astill, Parks and Recreation Director
Joseph Moore, CED Director
Jim Welch, Finance Director
Russell Willardson, Public Works Director
John Evans, Fire Chief
Layne Morris, Community Preservation Director
Buzz Nielsen, Police Chief
Owen Jackson, Administration
Jake Arslanian, Public Works Department

14331 **OPENING CEREMONY**

The Opening Ceremony was conducted by Russ Brooks who read a statement regarding the joyous Christmas season and expressed appreciation to employees and residents of West Valley City.

14332 **APPROVE MINUTES OF REGULAR MEETING HELD DECEMBER 2, 2008**

The Council read and considered the Minutes of the Regular Meeting held December 2, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Winder moved to approve the Minutes of the Regular Meeting held December 2, 2008, as written. Councilmember Burt seconded the motion.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-2-

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14333

COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the Comment Period:

Mike Markham, 3008 Alice Circle, addressed the City Council. Mr. Markham expressed support regarding the City's recent clean-up efforts. He stated Code Enforcement could not do it all and the Police Department needed to step up enforcement of unlicensed and inoperable vehicles parked on the street. He indicated this was especially a problem during the winter as cars parked on the street impeded snow plowing efforts. He stated cars needed to be towed away as that would greatly deter illegal parking. He also emphasized his belief this was a major issue and needed to be addressed.

14334

PUBLIC HEARING, APPLICATION NO. ZT-10-2008, FILED BY WEST VALLEY CITY, REQUESTING A MODIFICATION OF THE 3500 SOUTH/REDWOOD ROAD STREETScape SECTION OF THE HIGH-IMAGE ARTERIAL STREETS LANDSCAPING STANDARDS SECTION 7-13 OF THE WEST VALLEY CITY MUNICIPAL CODE

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-10-2008, filed by West Valley City, requesting modification of the 3500 South/Redwood Road Streetscape Section of the High-image Arterial Streets Landscaping Standards Section 7-13 of the West Valley City Municipal Code. He discussed proposed Ordinance No. 08-58 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-58 that would amend Sections 7-13-203 and 7-13-204 of Title 7 of the West Valley City Municipal Code regarding Streetscape Lighting along 3500 South between 2700 West and Redwood Road.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-3-

Mr. Pyle stated the proposed text change would provide consistency in street lighting along the 3300/3500 South corridor. He also stated currently the Code required placement of a pedestrian (sidewalk) or teardrop street lamp along the 3300/3500 South corridor between the Jordan River and 2200 West. However, at the completion of road widening projects along 3500 South from Interstate-215 west to Bangerter Highway, the Utah Department of Transportation (UDOT) and West Valley City Public Works would install a different type of streetscape lighting, known as the double acorn street lamp. He indicated this alternative street lamp illuminated both the streets and sidewalk, whereas the currently required pedestrian lighting is meant only to illuminate the sidewalk. He stated this also meant many of the existing street lights, the “cobra head” lamps, could be replaced by the double acorn lamps. Additionally, the wider spacing of the double acorn street lamps, as compared to the teardrop street lamps, would mean a reduced installation cost despite a greater per unit cost.

The City Manager stated in an effort to make the 3500 South streetscape appearance consistent from Redwood Road to Bangerter Highway, staff had proposed the following changes:

Location (7-13-203):

This ordinance shall apply to 3300/3500 South between 2700 West and the Jordan River, as well as Redwood Road. The change in this section simply clarifies that the ordinance applies to the area between 2700 West and the Jordan River rather than between 2200 West and the Jordan River.

Development Standards (7-13-204):

No changes are made in this ordinance to the installation standards of the currently required pedestrian, or teardrop lighting. The standards for the double acorn lighting shall include an average spacing interval of 150 feet, while no lamp shall be installed less than 140 feet or more than 160 feet from another double acorn lamp. The posts for these lamps shall be within the landscaped berm, at approximately five feet away from the top of the curb. It is important to note that the teardrop pedestrian lamps are to be placed just outside of the sidewalk, on the side opposite the landscaped berm and road. The currently required pedestrian teardrop lighting shall continue to apply only to the portion of the 3300/3500 South corridor between Redwood Road and the Jordan River (the City’s eastern boundary), primarily because of the significant number of currently installed teardrop pedestrian street lamps. The double acorn street lighting will be required between Redwood Road and 2700 West.

All other technical specifications are noted in West Valley City Public Works engineering standards and specifications for City approved lighting fixtures.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-4-

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Upon discussion, members of the Council commented and expressed respective concerns regarding the proposed lighting fixtures.

ACTION: ORDINANCE NO. 08-58, AMENDING SECTIONS 7-13-203 AND 7-13-204 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING STREETScape LIGHTING ALONG 3500 SOUTH BETWEEN 2700 WEST AND REDWOOD ROAD

The City Council previously held a public hearing regarding Application No. ZT-10-2008, filed by West Valley City, and proposed Ordinance No. 08-58 which would amend Sections 7-13-203 and 7-13-204 of Title 7 of the West Valley City Municipal Code regarding Streetscape Lighting along 3500 South between 2700 West and Redwood Road.

After discussion, Councilmember Coleman moved to approve Ordinance No 08-58, an Ordinance Amending Sections 7-13-203 and 7-13-204 of Title 7 of the West Valley City Municipal Code Regarding Streetscape Lighting along 3500 South between 2700 West and Redwood Road. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14335

PUBLIC HEARING, APPLICATION NO. ZT-12-2008, FILED BY WEST VALLEY CITY, REQUESTING AN AMENDMENT REGARDING REQUIREMENTS FOR PARKING ACCESS AND PARKING SPACE CONVERSIONS FOR SINGLE OR TWO-FAMILY DWELLINGS

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-12-2008, filed by West Valley City, requesting an amendment regarding requirements for parking access and parking space conversions for single or two-family dwellings. He discussed proposed Ordinance No. 08-59 related to the

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-5-

Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-59 which would amend Sections 7-9-108 and 7-14-104 of Title 7 of the West Valley City Municipal Code regarding requirements for parking access and parking space conversions for single or two-family dwellings.

Mr. Pyle recommended language be added to Section 7-9-108 that would require a minimum width for an access to detached parking in the rear yard of a home. He stated the proposed amendment also included a change to Section 7-14-104. He indicated the proposed amendment outlined requirements for converting parking spaces in single or two-family dwellings. He reported staff had typically required that whenever parking was converted to other uses that whatever is taken away must be replaced on the property. He indicated the text change to the ordinance would clarify this in more detail for residents of West Valley City.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 08-59, AMENDING SECTIONS 7-9-108 AND 7-14-104 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING REQUIREMENTS FOR PARKING ACCESS AND PARKING SPACE CONVERSIONS FOR SINGLE OR TWO-FAMILY DWELLINGS

The City Council previously held a public hearing regarding Application No. ZT-12-2008, filed by West Valley City, and proposed Ordinance No. 08-59 which would amend Sections 7-9-108 and 7-14-104 of Title 7 of the West Valley City Municipal Code regarding requirements for parking access and parking space conversions for single or two-family dwellings.

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-59, an Ordinance Amending Sections 7-9-108 and 7-14-104 of Title 7 of the West Valley City Municipal Code Regarding Requirements for Parking Access and Parking Space Conversions for Single or Two-Family Dwellings. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-6-

Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14336

PUBLIC HEARING, APPLICATION NO. ZT-13-2008, FILED BY WEST VALLEY CITY, REQUESTING AN AMENDMENT THAT ADDRESSES THE DIVISION OF TWO-FAMILY DWELLINGS

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-13-2008, filed by West Valley City, requesting an amendment that addresses the division of two-family dwellings. He discussed proposed Ordinance No. 08-60 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-60 which would amend Section 7-2-126 of Title 7 of the West Valley City Municipal Code regarding the division of two-family dwellings.

Mr. Pyle stated the proposed ordinance would allow the two lots resulting from the division of a duplex lot to be less than 4,000 square feet if certain requirements were met.

The City Manager reported that Darrin Balfour and Mark Sudbury had requested an amendment to Section 7-2-126 which addressed the division of two-family dwellings. He stated the current ordinance language allowed a legally existing two-family dwelling or duplex to be divided into two separate dwellings or a twin home under certain conditions. One of those conditions was that each lot resulting from the division of a duplex lot must be at least 4,000 square feet. He also reported, if approved, the ordinance would eliminate the 4,000 square foot minimum lot size and add additional standards that would verify the property was appropriately maintained and require improvements to be made. He indicated staff and the Planning Commission worked with the applicant to develop the list of improvements.

Mr. Pyle stated there were about 700 duplex buildings (1,400 dwelling units) in the City. He indicated according to the City's mapping system, about 30% of these duplex buildings were on lots that were less than 8,000 square feet in area.

City Manager, Wayne Pyle, reported there were two zones in the City specifically for duplexes: 'R-2-8' and 'R-2-6.5.' He stated the 'R-2-8' zone required a minimum lot size of 8,000 square feet and the 'R-2-6.5' zone required a minimum lot size of 6,500 square feet. Most of the duplexes in the City were constructed prior to 1980 (the year West Valley City became incorporated) under Salt Lake

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-7-

County's jurisdiction. He indicated for those duplexes built under the County's jurisdiction, the zoning requirements, if zoning had even been in place, were different from those in place today.

Mr. Pyle indicated staff supported the ordinance change for the following two reasons: Even if the duplexes on lots less than 8,000 square feet were nonconforming in terms of zoning, lot area, lot width, setbacks or parking, it was very unlikely the owners of the duplexes could or would make them conforming; the Zoning Ordinance allowed nonconforming buildings to continue and even be rebuilt if they were destroyed by calamity or act of nature. The second reason was that this ordinance required maintenance and improvements that might not be done otherwise.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Upon discussion, the City Council reviewed concerns regarding this issue and as discussed in the previous Study Meeting. The Council requested the City Manager look at planning efforts to "start over" with current duplexes or apartments to make them a better use or area as had been done with Harvey Street. City Manager, Wayne Pyle, discussed this issue and stated such efforts would come with increased density.

ACTION: ORDINANCE NO. 08-60, AMENDING SECTION 7-2-126 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE DIVISION OF TWO-FAMILY DWELLINGS

The City Council previously held a public hearing regarding Application No. ZT-13-2008, filed by West Valley City, and proposed Ordinance No. 08-60 which would amend Section 7-2-126 of Title 7 of the West Valley City Municipal Code regarding the division of two-family dwellings.

After discussion, Councilmember Burt moved to postpone action regarding proposed Ordinance No. 08-60 and bring the matter back to the Council, possibly in January 2009, at the same time as a proposed ordinance regarding sound, fire and other requirements related to the division of two-family dwellings. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-8-

Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14337

PUBLIC HEARING, APPLICATION NO. ZT-14-2008, FILED BY WEST VALLEY CITY, REQUESTING AMENDMENT FOR CLARIFICATION OF ALLOWABLE HEIGHT FOR STORAGE AREAS ABOVE ACCESSORY BUILDINGS

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-14-2008, filed by West Valley City, requesting an amendment for clarification of allowable height for storage areas above accessory buildings. He discussed proposed Ordinance No. 08-61 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-61 which would amend Sections 7-6-209, 7-6-210 and 7-6-306 of Title 7 of the West Valley City Municipal Code regarding clarification of allowable height for storage areas above accessory buildings.

Mr. Pyle recommended a zone text change for the Height Restrictions for accessory buildings in single-family residential zoning districts. He stated the text change would add language to the Height Restrictions section limiting storage area above accessory buildings to a maximum of five feet. He also stated currently the ordinance only allowed accessory buildings to be one story in height. He indicated storage area was allowed in accessory buildings as long as the area was less than a story.

The City Manager reported the City Code defined a story as a minimum of seven feet tall clear headroom. He stated there had been some building permits where the applicant had applied for storage space that was just under the regulations for a story and approved as they met the City Code; but often ended up being used for living space above the garage. He further reported the text change would still allow storage space above the garage or accessory building, but would only allow up to five feet of storage area. In addition, this text change would note that accessory buildings in the agricultural zones having less than half an acre of property might use the same standards for accessory buildings in residential zones for setbacks, height restrictions, as well as area coverage on a lot.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-9-

Upon discussion, members of the City Council expressed respective opinions, comments and concerns regarding the proposal.

ACTION: ORDINANCE NO. 08-61, AMENDING SECTIONS 7-6-209, 7-6-210 AND 7-6-306 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING CLARIFICATION OF ALLOWABLE HEIGHT FOR STORAGE AREAS ABOVE ACCESSORY BUILDINGS

The City Council previously held a public hearing regarding Application No. ZT-14-2008, filed by West Valley City, and proposed Ordinance No. 08-61 which would amend Sections 7-6-209, 7-6-210 and 7-6-306 of Title 7 of the West Valley City Municipal Code regarding clarification of allowable height for storage areas above accessory buildings.

After discussion, Councilmember Coleman moved to deny Ordinance No. 08-61. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	No
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Majority. Proposed Ordinance No. 08-61 was denied.

14338

PUBLIC HEARING, APPLICATION NO. ZT-15-2008, FILED BY WEST VALLEY CITY, REQUESTING AN AMENDMENT REGARDING ALTERATIONS TO FREEWAY-ORIENTED POLE SIGNS

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. ZT-15-2008, filed by West Valley City, requesting an amendment regarding alterations to freeway-oriented pole signs. He discussed proposed Ordinance No. 08-62 which would amend Section 11-7-101 of Title 11 of the West Valley City Municipal Code regarding alterations to freeway-oriented pole signs, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-62 which would amend Section 11-7-101 of Title 11 of the West Valley City Municipal Code regarding alterations to freeway-oriented pole signs.

Mr. Pyle stated currently face changes in pole signs were considered an alteration which required conformance to the provisions of the Sign Ordinance. He also

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-10-

stated one of the provisions was that pole signs were not permitted on properties less than 10 acres. Therefore, if there was a business with a freeway-oriented pole sign located on a property with less than 10 acres they were not able to make a sign face change without removing the pole and replacing that sign with a monument sign. He indicated typically freeway-oriented businesses, i.e. hotels, were businesses that needed to be seen from a distance so people knew when to exit the freeway to make it to their destination. He recommended allowing face changes in existing freeway oriented pole signs with the amendment.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 08-62, AMENDING SECTION 11-7-101 OF TITLE 11 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING ALTERATIONS TO FREEWAY-ORIENTED POLE SIGNS

The City Council previously held a public hearing regarding Application No. ZT-15-2008, filed by West Valley City, and proposed Ordinance No. 08-62 which would amend Section 11-7-101 of Title 11 of the West Valley City Municipal Code regarding alterations to freeway-oriented pole signs.

After discussion, Councilmember Burt moved to approve Ordinance No. 08-62, an Ordinance Amending Section 11-7-101 of Title 11 of the West Valley City Municipal Code Regarding Alterations to Freeway-Oriented Pole Signs. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14339

ORDINANCE NO. 08-63, REPEAL SECTION 21-1-105 AND 22-1-106 AND REENACT SECTION 21-1-105 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE CITY BAIL SCHEDULE

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-63 which would repeal Section 21-1-105 and 22-1-106 and reenact Section 21-1-105 of the West Valley City Municipal Code regarding the City bail schedule.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-11-

Mr. Pyle stated the City prosecuted both state and local crimes, infractions, and violations. He also stated the City previously imposed additional fees for the administration of and prosecution of those crimes, violations, and infractions and had determined it was more efficient and equitable to eliminate the fees and to adjust the recommended bail schedule for certain crimes committed within the City.

After discussion, Councilmember Coleman moved to approve Ordinance No. 08-63, an Ordinance Repealing Section 21-1-105 and 22-1-106 and Reenacting Section 21-1-105 of the West Valley City Municipal Code Regarding the City Bail Schedule. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14340

RESOLUTION NO. 08-303, APPROVE A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR WORK ASSOCIATED WITH PHASE II OF THE 3500 SOUTH WIDENING PROJECT FROM BANGERTER HIGHWAY TO 2700 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 08-303 which would approve a Cooperative Agreement with the Utah Department of Transportation (UDOT), in the amount of \$215,324.05, for work associated with Phase II of the 3500 South Widening Project from Bangerter Highway to 2700 West.

Mr. Pyle stated, under the proposed agreement, the City would pay for trenching and conduit work necessitated by placing the utilities underground. e further stated the agreement also covered landscaping and street lighting facilities to be installed within the project boundaries.

The City Manager reported that previous agreements had been signed with Rocky Mountain Power, Comcast, Qwest and UTOPIA for placing utility lines underground on 3500 South. He stated those agreements covered replacement of existing overhead lines in underground conduits to be installed by UDOT. He also

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-12-

stated the proposed agreement would authorize payment to UDOT for cost of installing the underground conduit.

Mr. Pyle indicated the subject agreement also covered landscaping to be installed by UDOT's contractor. He stated UDOT would install street trees and an irrigation system. He also reported, upon final acceptance of the improvements, the City would agree to own and maintain the landscaping.

City Manager, Wayne Pyle, stated the proposed agreement also addressed decorative street lighting. UDOT would install standard luminaries at the major intersections, which would become property of the City and be maintained by the City. UDOT would provide and install decorative street lighting foundations as part of the project. The City would install decorative poles and fixtures within three years of the completion of the project. He stated the estimated additional cost of the decorative street lighting would be \$750,000.00. He indicated the decorative street lighting would be owned and maintained by the City. He also reported the City would be required to deposit \$215,324.05 with UDOT upon execution of the proposed agreement.

After discussion, Councilmember Burt moved to approve Resolution No. 08-303, a Resolution Authorizing the Execution of a Cooperative Agreement between West Valley City and the Utah Department of Transportation for Work Associated with Phase II of the 3500 South Widening Project from Bangerter Highway to 2700 West. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14341

RESOLUTION NO. 08-306, ADOPT THE NATURAL HAZARD PRE-DISASTER MITIGATION PLAN AS REQUIRED BY THE FEDERAL DISASTER MITIGATION AND COST REDUCTION ACT OF 2000

City Manager, Wayne Pyle, presented proposed Resolution No. 08-306 which would adopt the Natural Hazard Pre-disaster Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-13-

Mr. Pyle stated that in 2000, President Clinton signed into law a requirement for local governments to have a natural disaster plan. He indicated such plan would take into consideration the potential natural disasters in the region and implement a plan for how to deal with those disasters. The Wasatch Front Regional Council with the assistance of its member cities had finalized that plan as an update to the plan that had been adopted in 2003.

The City Manager reported the 2008 Pre-disaster Mitigation Plan was an update to the plan adopted in 2003 and is a critical step to reducing the City's vulnerability in the event of a natural disaster. He indicated that in compliance with federal law, each government jurisdiction, including special districts must have adopted their updates by December 20, 2008. He stated a full copy of the Plan could be viewed at the Wasatch Front Regional Council's website at www.wrfc.org. He also stated an executive summary had also been distributed to the City Council.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-306, a Resolution of the City Council of West Valley City, Utah, Adopting the Natural Hazard Pre-Disaster Mitigation Plan as Required by the Federal Disaster Mitigation and Cost Reduction Act of 2000. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14342

RESOLUTION NO. 08-307, APPROVE EASEMENT ENCROACHMENT AGREEMENT TO ALLOW GRANGER-HUNTER IMPROVEMENT DISTRICT TO INSTALL, OPERATE, AND MAINTAIN A WATERLINE ON PROPERTY OWNED BY WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 08-307 which would approve an Easement Encroachment Agreement to allow Granger-Hunter Improvement District to install, operate, and maintain a waterline on property owned by West Valley City.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-14-

Mr. Pyle stated the U. S. Department of the Interior had agreed to allow Granger-Hunter to encroach on their easement in accordance with documents provided to the City Council.

The City Manager reported the City owned the subject property and the U.S. Department of the Interior owned the easement. He stated the City had permitted Granger-Hunter to install the waterline on the property; however, the conduits could not be installed without encroaching on the U.S. Department of Interior easement. He stated in order to install the waterline, the U.S. Department of the Interior must grant permission to Granger-Hunter to encroach on the easement.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-307, a Resolution Approving an Easement Encroachment Agreement Allowing Granger-Hunter Improvement District to Install, Operate, and Maintain a Waterline on Property Owned by West Valley City. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14343

RESOLUTION NO. 08-308, APPROVE A REAL ESTATE PURCHASE AGREEMENT BETWEEN WEST VALLEY CITY, GRANITE SCHOOL DISTRICT, AND HEIRS OF THE WOODBURY FAMILY TO PROVIDE FOR THE SALE OF GRANGER PARK TO THE SCHOOL DISTRICT TO USE IN THE CONSTRUCTION OF A NEW HIGH SCHOOL

City Manager, Wayne Pyle, presented proposed Resolution No. 08-308 which would approve a Real Estate Purchase Agreement between West Valley City, Granite School District, and heirs of the Woodbury Family to provide for the sale of Granger Park to the School District to use in the construction of a new high school.

Mr. Pyle stated that through the subject agreement, the City would sell the Granger Park property to Granite School District for the sum of \$1.6 million. He further stated the agreement provided the payment to the City would be negotiated during the planning and construction of the new school and may consist of cash,

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-15-

or new park land and improvements acceptable to the City in lieu of cash or a combination of cash, land and/or improvements or City/school shared improvements. He reported the agreement also provided for the District to compensate the Woodbury family for their legal interests in the property.

City Manager, Wayne Pyle, and City Attorney, Richard Catten, answered questions from members of the City Council regarding the proposed agreement.

Mayor Nordfelt discussed background information regarding meetings with Granite School District and the Woodbury family members about the issue.

Upon discussion, Council members respectively expressed opinions, commented and discussed concerns regarding the proposal.

After further discussion, Councilmember Winder moved to approve Resolution No. 08-308, a Resolution Approving a Real Estate Purchase and Sale Agreement between the City, Granite School District, and Heirs of the Woodbury Family to Provide for the Sale of Granger Park to the School District to Use in the Construction of a New High School. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14344

CONSENT AGENDA:

A. RESOLUTION NO. 08-304, ACCEPT A WARRANTY DEED FROM KOCH LEASING COMPANY FOR PROPERTY LOCATED AT 2384 SOUTH 3270 WEST

City Manager, Wayne Pyle, presented proposed Resolution No. 08-304 which would accept a Warranty Deed from Koch Leasing Company for property located at 2384 South 3270 West.

Mr. Pyle stated the Warranty Deed had been executed by Koch Leasing Company.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-16-

The City Manager reported Koch Leasing Company was the owner of the property where a new building was proposed for construction. He indicated the existing property extended into a portion of the roadway at the corner of 2400 South and 3270 West. He also reported as a condition of approval for a building permit, dedication of that portion of right-of-way (131 square feet) had been required.

B. RESOLUTION NO. 08-305, APPROVE A DELAY AGREEMENT WITH OSCAR AND CRYSTAL CALICIA FOR PROPERTY LOCATED AT 1573 WEST CLAYBOURNE AVENUE AND 2801 SOUTH LESTER STREET

City Manager, Wayne Pyle, presented proposed Resolution No. 08-305 which would approve a Delay Agreement with Oscar and Crystal Calicia for property located at 1573 West Claybourne Avenue and 2801 South Lester Street.

Mr. Pyle stated Oscar and Crystal Galicia had requested delay of construction of off-site improvements for the above named locations. He indicated improvements included installation of curb, gutter, sidewalk, and asphalt tie-in to the existing roadway.

The City Manager reported there were no existing improvements along the subject properties. He stated postponing construction of the improvements would allow time for additional development to provide similar improvements. He indicated combination of the delayed improvements from the subject agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 08-304 and 08-305 as presented on the Consent Agenda. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2008

-17-

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, DECEMBER 16, 2008, WAS ADJOURNED AT 7:21 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, December 16, 2008.

Sheri McKendrick, MMC
City Recorder